THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO :16841 of 2005

Dated: 23-01-2006

Between:

N. Ashanna Goud.

..... PETITIONER

AND

The Government of Andhra Pradesh,

Rep. By its Dy. Secretary to Government,

Revenue (Excise.II) Department,

A.P. Secretariat, Hyderabad and two others.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO : 16841 of 2005

O R D E R:

The petitioner claims to be the resident of Pothireddypally Village, Sangareddy Mandal, Medak District. It is stated he is engaged in Toddy tapping for the past twelve years and he also passed the test conducted by the Prohibition and

Excise Superintendent, Medak District.

It appears that earlier the petitioner sought admission as a member of the fourth respondent-Society as per Section 19 (a) of Andhra Pradesh Cooperative Societies Act, 1964, however, the Society by order dated 20-02-2005 refused to admit him as member on the ground that the Society lacks the required funds.

Be that as it may, now the grievance of the petitioner is that though he made a representation long back on 28-04-2005 requesting to grant TFT (Tree For Tappers) Licence, the same has not been considered so far by the third respondent- Prohibition and Excise Superintendent, Medak District inspite of the fact that he is eligible for grant of TFT licence. When the said fact was brought to the notice of the first respondent, by memo dated 18-07-2005, the first respondent called upon the third respondent to clarify as to why the individuals could not have been permitted to take up tapping under TFT scheme on par with similarly situated persons namely K. Mallaiah and three others of Nizampet Village, Narayankhed Mandal, Medak District.

The petitioner contends that in spite of the directions of the first respondent, the third respondent failed to consider the request of the petitioner and no orders have been passed so far. Hence, this writ petition seeking a direction to respondents 2 and 3 to consider and grant TFT licence in favour of the petitioner in respect of Pothireddypally Village, Sangareddy Mandal, Medak District.

Though a counter affidavit has been filed by the third respondent, strangely the specific allegation made by the petitioner that similarly situated persons namely K. Mallaiah and three others of Nizampet village, Narayankhed Mandal, Medak Distrct, have been granted TFT licences has not been explained. The counter is also silent about the memo dated 18-07-2005 issued by the first respondent calling upon the third respondent to clarify the said issue. It is also clear from the counter affidavit that so far the third respondent, who is the competent authority to grant TFT licence, has not passed any order on the representation of the petitioner for grant of TFT licence.

In the circumstances, I deem it appropriate to dispose of the writ petition with a direction to the third respondent to consider the representation dated 28-04-

2005 made by the petitioner for grant of TFT licence, keeping in view the clarification sought by the first respondent in memo dated 18-07-2005, and to pass appropriate orders in accordance with the Excise (Toddy) Policy issued in G.O.Ms.No.767 dated 29-09-2004 as expeditiously as possible preferably within a period of three weeks from the date of receipt of a copy of this order and communicate the same to the petitioner. No costs.

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G.ROHINI,J

23-01-2006

Note: C.C. in three days.

B/o

klp/ghn